IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

WP(C).No. 33862 of 2007(F)

PETITIONER:

SUHARA BEEVI,
PALAMUTTATH VEEDU, KALLELIBHAGOM, KARUNAGAPPALLY,
KOLLAM.

BY ADV. SRI.K.SUBASH CHANDRA BOSE
SRI.K.P.JABBAR

RESPONDENTS:
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1. **THE DISTRICT COLLECTOR,**
   KOLLAM.

2. **ASSISTANT FOREST CONSERVATOR,**
   KERALA FOREST DEPARTMENT,
   SOCIAL FORESTRY DIVISION, KOLLAM.

3. **ASSISTANT EXECUTIVE ENGINEER,**
   ROADS SUB-DIVISION, KARUNAGAPPALLY, KOLLAM.

4. **ASSISTANT ENGINEER,**
   PWD, ROADS SECTION, KARUNAGAPPALLY, KOLLAM.

BY GOVT. PLEADER, SRI.I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 33862 OF 2007 F
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Dated this the 16th day of November, 2007

J U D G M E N T

The prayer made in this writ petition is to direct respondents 3 and 4 to implement the order in Exts. P3 and P6 by cutting and removing the dangerous trees situated in front of the property of the petitioner.

2. Ext.P3 is a representation made by the petitioner to the District Collector, on which the 3rd respondent was directed to examine the matter and do the needful to save the life and property of the petitioner. This order is dated 23/11/06. Petitioner submits that thereafter based on the orders of the 3rd respondent, the 4th respondent obtained the consent for removal of the tree and in fact also published auction notice, which is produced as Ext.P5. According to the petitioner, even thereafter, there has not been any progress in the matter and hence he moved an application under Section 133 before the Additional District Magistrate, Kollam, which was also forwarded to the 3rd respondent to complying with the order in Ext.P3 referred to herein above. Petitioner submits that inspite of all these, there has not been any concrete action and hence this writ petition.

3. Since by Ext.P3, there is already a positive order to the 3rd respondent and as further action on the basis of Ext.P3 has also been taken by the 4th respondent, I see no justification for the delay in implementing the District Collector's order.

Therefore, I dispose of this writ petition directing that respondents 3 and 4 shall take necessary action to implement the order in Exts. P3 and P6, as expeditiously as possible, at any rate, within 6 weeks of receipt of a copy of this judgment.

ANTONY DOMINIC, JUDGE.

Rp